UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/16
30 January 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL CONVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[17 January 1992]

Women and the realization of economic, social and cultural rights

1. Despite the progress of democracy in various parts of the world, a majority of human beings still do not enjoy the full realization of their economic, social and cultural rights. Among them, women occupy an important place. While their role in production and the protection of cultural identity is primordial, women are only seldom granted the opportunity to express their

views and to exercise their hard-won rights. Furthermore, poverty is not shared equally between men and women, and all too often it is women who find themselves ranked among the most underprivileged.

2. Today, one woman in three is unable to read or write, more than 60 per cent of illiterates in the world are women and over 60 per cent of children not attending school are female. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), illiteracy has a negative impact on almost all aspects of health. Inability to read and write makes it impossible to follow simple medical directions. Illiterates more commonly have habits of life that are detrimental to health and they do not always know where to apply for medical care.

3. The health of children depends largely on the mother's standard of education. The implementation of child welfare programmes is facilitated when the mother is able to read. Literate mothers are more likely to break with unhealthy traditional practices and women who have reached a certain standard of education are better prepared to avail themselves of health care services.

4. According to UNESCO, there is a correlation between education and the rate of infant mortality, which is considerably lower when the mother is able to read and write. In Pakistan and Indonesia, for example, the infant mortality rate was as much as 50 per cent lower in the case of mothers with four years of primary education. Furthermore, mothers who are literate have fewer children than those who are not, and they also have a different attitude towards their children, in particular girls, to whom they pass on more of the benefits of education.

5. In sub-Saharan Africa, two thirds of women over 25 years of age are illiterate. The figure is even higher in rural areas. In most countries of this region, women account for barely 30 per cent of all university students. 1/ In Zaire, from the age of three onwards, girls are given various household jobs to alleviate the burden on their mothers. Their school performance declines further as they grow older, since they are kept at home more and more to carry out various household tasks.

6. In Bangladesh, girls attend school less frequently than boys, even though primary education has been compulsory and free since 1990. Parents prefer to send their boys to school as they are the ones who later on will have to provide for their needs, whereas girls are bound to marry and leave home.

7. Besides illiteracy, another fact of daily life for women is that they must often work as well as looking after their children. In the developing world, the effects of industrialization and urban migration, together with the economic recession of the 1980s, have forced an increasing number of women to look for paid jobs, usually in addition to their daily household occupations. Many are employed in the informal sector, where their labour is underpaid but often constitutes the principal source of family income, particularly in the case of single-parent families. Necessity may oblige women with very young children to work. This obviously creates an additional concern for them, that of finding adequate care for their children, since in almost all world cultures this task is also the mother's responsibility.

8. In practice, it may prove very difficult to find adequate child care, with the result that women have to accept underpaid jobs which offer greater flexibility. A study carried out in Mexico 2/ showed that most actively employed women took their children with them to their places of work, entrusted them to relatives, neighbours or their older children, or indeed left them on their own, sometimes attached to their beds.

9. Changes due to modernity, migration and economic recession have also undermined the structures of the extended family and grandparents are less and less available to look after young children. In urban environments, the services provided by the family or neighbours often involve a degree of reciprocity, which may prevent women from exercising a regular activity. The model of the extended family may also oblige young children, almost always girls, to leave school to look after smaller children. This system is harmful both to the child providing care and to the child who has to be cared for.

10. In the developing countries, the situation of women in rural environments may be precarious. They generally live in poverty, and work without respite serving their family while at the same time providing labour for the traditional agricultural sector. They take an active part in family-based production, which is not recognized as such, being considered a domestic activity, and only very rarely have the opportunity to own land and obtain small loans.

11. According to UNESCO, recent studies on the distribution of food in rural families show that malnutrition affects women more severely than men. In the poorest sections of the population, the infant mortality rate is higher among girls than boys. Pregnant women and women who breast-feed are also under-nourished, reducing their children's chances of survival. In some rural areas of Zaire, for example, meals are served separately and in an unequal manner. Boys and their fathers are generally served at table and are entitled to the best food whereas daughters and their mothers eat in the kitchen and have the task of clearing the table.

12. Lastly, the daily timetable of female occupations in rural environments is for the most part overloaded and allows little time for leisure, culture and the education of children. In general, rural women begin their day at dawn, at about 5 a.m., and continue until 8 to 10 p.m., representing a working day of at least 15 hours. In addition to their agricultural work, they have many family obligations. Rural women help their spouses to grow, harvest and transport agricultural products, and are usually responsible for processing and selling them. Rural women deal with the housework, look after the children and sometimes engage in handicraft activities. They often have to cover long distances, carrying wood, water and farm produce or accompanying their children.

13. In Bangladesh, for example, rural women rise on average two hours earlier than their husbands and enjoy no free time during the day, whereas their spouses have roughly three hours of leisure per day.

14. In Africa, it has been calculated that women work on average 13 hours more per week than men. 3/ In Zaire, according to one study made in a rural region, women work in the fields cultivating food crops virtually alone and cash crops together with their husbands. Yet their share in the income derived is markedly lower than that of the men. In the region studied, a woman's day extends from 5 a.m. to about 9 p.m., and includes many arduous tasks such as milling and fetching water and wood. Pregnant women continue to work until they give birth, a practice which causes many complications sometimes costing the life of the mother and the child. When the baby is one month old, the mother carries him on her back or leaves him on his own. At three months, she entrusts the baby to her daughters, generally aged between five and seven. Young girls in the region studied often experience a fate which is just as unenviable as that of the mother, whom they must help in all her tasks.

15. In conclusion, the International Federation Terre des Hommes would like to recommend to the Commission on Human Rights that it invite all States concerned:

(a) To establish, where necessary, a system of literacy education suited to the needs and timetable of working women;

(b) To improve social measures in order to enable all working women to find a satisfactory solution regarding care of their children;

(c) To transform their legislation in order to grant women the opportunity to own land and obtain loans and to avail themselves of all the facilities of daily life enjoyed by men and the population in general.

Notes

1/ "Hard Work, Small Gain for Women in Africa", Africa Recovery, September 1991, pp. 46-47.

2/ "Child Care: Meeting the Needs of Working Mothers", SEEDS, No. 13, 1991, p. 3.

3/ Africa Recovery, pp. 46-47.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/17
31 January 1992

ENGLISH
Original: ENGLISH/SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 17

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-THIRD SESSION

Written statement submitted by the Indian Council of South America, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 December 1992]

1. The quincentenary of the so-called "Encounter between two worlds" is doubtless an important and incomparable landmark in the colonial history of the Americas, and consequently the subject of deep scrutiny by our indigenous peoples and nations of the Indo-American continent and of the world.

2. In recent years, the Indians, the survivors of the colonial hecatomb, have developed an awareness of their own history, marked by that exceptional human tragedy, and an Indian revival is currently under way. Indigenous organizations are again springing up in all latitudes and ears are being turned to their serene reflections, as well as to their embittered and plaintive voices demanding the right to rebuild their future and claiming their rightful place within the international community.

3. At a time when the countries of Europe, and in particular Spain, are preparing bombastic celebrations of Christopher Columbus' landing in

Indo-America, which marked a colonial invasion without precedent in history, the indigenous peoples, at the "Latin American Meeting of Peasant and Indigenous Organizations" held in Bogotá between 7 and 12 October 1989, at the international conference held in Tromso, Norway from 8 to 12 August 1990 and at other meetings in the Americas in Quito, in Guatemala, etc. held in 1991, decided to commemorate this historic date - 12 October 1992 - as the International Year of Resistance and Struggle of Indigenous Peoples and Nations for their legitimate rights to land and their fundamental freedoms and for recognition of their cultural identity and of their right to a decent life.

4. This resolution, which was prepared and submitted by the "Tupaj Katari" Movement and by the Indian Council of South America (CISA) and approved by the majority of the indigenous delegations in a wide-ranging debate that took place on the fringe of the meeting of the Working Group on Indigenous Populations, held in the Palais des Nations from 22 July to 2 August 1991, adequately summarizes the essential points of the Bogotá Declaration, the Quito resolutions and the final Guatemala Declaration and forcefully gives voice to the legitimate aspiration of indigenous peoples and nations to the right to self-determination.

5. This document, which firmly takes the international community to task over the causes and consequences of the conquest of the Americas 500 years ago, is signed by the following representative indigenous organizations, with and without consultative status:

Four Directions Council, Mikmaq (USA)
Grand Council of the Crees (Canada)
International Indian Treaty Council (USA)
Indian Law Resource Center (USA)
International Organization of Indigenous Resource Development
Inuit Circumpolar Conference
Indian Council of South America (CISA)
Cultural Resources Section (Canada)
Movimiento de Liberación "Tupaj Katari" (Bolivia)
Small Peoples of the North of the Soviet Union
Fundación del Aborigen Argentino (Argentina)
Comisión jurídica de Tahuantinsuyo (Peru)
Consejo de todas las Tierras Mapuche (Chile)
Federación Nativa del Rio Madre de Dios
Federación de Mujeres para la Educación indígena
Organización de Mujeres Aymaras del Collasuyu (Bolivia)
Auto-promoción del Desarrollo Aymara (Bolivia)
Comité Internacional para los Indios de las Américas
Asociación 500 años de Resistencia Amerindio, etc.

RESOLUTION

Considering that the "discovery of the New World" by the Spanish conquistadors - that is, the brutal invasion of the Americas 500 years ago - marked the beginning of a period that is without doubt the darkest and most barbaric in the annals of the indigenous peoples of the western Hemisphere,

Considering that, from the beginning of that fateful day (12 October 1492) which historians describe as an accident of history, the conquest established by force a colonial system on the American continent, and caused the brutal destruction of the aboriginal civilizations (Inca, Maya, Aztec, etc.), the annihilation of their thousand-year-old cultures and ancient traditions, the extermination of entire populations, complete genocide, torture, enslavement, and the daily negation of indigenous values,

Convinced that, contrary to the colonizers' falsified version of history, it is more important than ever to reassert the historical truth that this was not a discovery or an encounter, but rather a confrontation of two worlds, that of the oppressor and of the oppressed, a conflict of two cultures and two irreconcilable civilizations, of two conflicting visions of the universe, of two incompatible systems of values - the Indian being collective, communal, humane, fraternal, peaceful, respectful of Mother Earth and in harmony with the Universe; the European being greedy, individualistic, ambitious, warlike, and destructive of nature in its pursuit of power and profit,

Paying homage to the memory of some 90 million Indians who were exterminated, massacred, and burned alive - and to the survivors who were enslaved yesterday and live in misery today,

Considering that all that we have described truly constituted a crime against humanity,

Deploring the preparations being made, and the means employed by Western Governments, particularly Spain, for the festive celebration of the so-called "encounter of two worlds" or "discovery", which we consider to be an insult to the dignity of indigenous peoples, and a humiliation to those who have survived the colonial catastrophe,

Recalling that states and governments have a moral duty to reflect upon this human tragedy and the crimes perpetuated against civilized and peaceful peoples,

Noting that the United Nations Economic and Social Council, in its resolution 1988/35, encouraged States to ensure that their national celebrations do not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples,

Recognizing that the vitality and forcefulness of the resistance and struggle of indigenous peoples are rooted in their national identity, which is the driving force of their own history, and in the ongoing reaffirmation of the diversity of their cultural and linguistic expressions, as well as their social structures, legal institutions, and philosophy, all of which constitute an integral part of human patrimony,

Reaffirming the necessity of implementing the rights and fundamental freedoms contained in the Universal Declaration of the Rights of Indigenous Peoples, in particular the right to live in dignity, the right to land, the rights to peace and to work, and the right to self-determination of indigenous peoples and nations,

Conscious that there will be no justice or peace as long as Indians and peasants deprived of their Mother Earth, surviving in misery and poverty, working in degrading conditions, suffering from racial discrimination and held in contempt and humiliated, which is an embarrassment to Western civilization and a source of permanent conflict for the world,

Recalling that the United Nations General Assembly, in its resolution 45/164, proclaimed 1993 the International Year for the World's Indigenous People, with the aim of supporting the initiatives of indigenous peoples in the fields of human rights, environment, development, health and education,

Welcoming the symbolic act of those Caribbean States (Antigua and Barbuda, Dominica, Grenada, Guyana) which abstained from voting on General Assembly resolution 45/164 on the grounds that the resolution did not expressly condemn the European invasion of the Americas,

Believing that it is the duty of the United Nations to support fully the struggles of indigenous peoples for dignity, self-determination, and development, using all means at its disposal,

WE, REPRESENTING INDIGENOUS PEOPLES, HAVE DECIDED TO:

Solemnly proclaim 1992 the International Year of Resistance and Struggle of indigenous peoples for their rights, their dignity, and their fundamental freedoms, with the symbolic date of 12 October;

Demand that the Spanish Government, as well as the Governments of all Western colonial nations, assume the moral and political responsibility for reparations for the negative consequences of the invasion - the genocide, crimes, pillage of gold and silver - and pay indemnity to the descendants of the victimized peoples of the Americas in conformity with international law;

Request the United Nations General Assembly to designate 12 October 1992 for the opening ceremonies for the International Year for the World's Indigenous People;

Declare that the International Year for the World's Indigenous People must mark the beginning of a new era, in which indigenous peoples regain their rightful place in the global community of nations;

Request that the United Nations observe the International Year for the World's Indigenous People in 1993 by devoting its political, financial and technical resources to activities planned and implemented by indigenous peoples themselves, for their own self-determination and self-development;

Ask the international community to accept the participation of representatives of indigenous peoples and nations as observers at all sessions of the United Nations General Assembly.

Geneva, 2 August 1991

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/18
31 January 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 8

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 January 1992]

1. "Times are bad", the Italian peasant declared when asked, not about the weather forecast, but about the situation of farmers in his region ... and worldwide. That same observation was made once again just recently by the Executive Committee of the International Federation of Rural Adult Catholic Movements when it met in northern Italy in December 1991 for a seminar on the theme "Development and Environment". The seminar had brought together some of the poorest peasants and members of rural populations from four continents.

2. In the countries of the North, overproduction caused mainly by the proliferation of large-scale industrial farming concerns is leading to a series of restrictive measures (quotas and a land freeze) and a dramatic decline in farm incomes primarily affecting peasants with small or medium-sized holdings. In some countries, moreover, the future for young rural dwellers continues to be jeopardized by real-estate speculation.

3. In the countries of the South, many peasants are being stripped of their land, exhausted by monoculture, and driven from their life-sustaining forests by the bulldozers of the multinationals. They and their families are leaving to swell the numbers of the homeless and unemployed in shanty towns. Times are, indeed, bad everywhere!

4. In 1991, millions of peasants demonstrated in virtually all parts of the world, calling for recognition, both of their right to a fair income and of their role in preserving a habitable and life-sustaining earth, and demanding change in agriculture. With the situation out of hand and the earth itself threatened, we have arrived at a stage in human history where degradation of the soil and the environment will soon reach the point of no return. Many voices are being raised to convey the urgency of breaking out of the vicious circle of "development" that is now directly causing the destruction of the global ecosystem.

5. One such voice is that of the International Federation of Rural Adult Catholic Movements, which aims to speak on behalf of the rural populations most concerned, and often the most threatened, by this stage of emergency. It believes that every effort must be made in a common endeavour to ensure the protection of nature and sustainable development for all. This is a formidable challenge! But, in the words of Federico Mayor Zaragoza, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), it is a "challenge so decisive that there is no alternative but to succeed". The International Federation shares this view. The General Assembly it held in 1990 recalled one of the fundamental aims of the rural adult Catholic movements, namely through reflection and analysis, through their firm commitment and actions, to struggle for the right to development and environmental rights. However, the Executive Committee furthermore stated that we desire shared and sustainable development for all, including future generations, a goal that necessarily implies the conservation of natural resources and respect for the cultures of peoples.

6. The International Federation of Rural Adult Catholic Movements therefore wishes to put before the Commission on Human Rights, at its session in Geneva, the main points of its arguments and aspirations concerning the necessity and requirements of linking the right to development with the conservation of nature.

7. First and most importantly, we denounce the very serious environmental damage and destructive effects of development that is contemptuous of any reasonable use of nature and its resources and of the rural populations which depend on it for their livelihood. In this regard, we express our indignation when we hear of Governments failing to take action or becoming involved in such practices. In India, for example, our movements joined with other popular organizations to prevent the implementation of a government programme for planting eucalyptus trees which the peasants felt would damage soil fertility and reduce the area of land given over to food crops. Since then we have strongly advocated the right to food self-sufficiency, involving priority use of natural resources to meet essential needs, for population groups and countries which are not yet self-sufficient in that regard.

8. Furthermore, we can offer evidence of the positive concern of rural communities to strike a balance between their right to development and respect for their environment. Confidence in their abilities, common sense, economy and modest planning (gradually building on small beginnings) are the guarantees they provide for moderate utilization of their natural resources, for a choice of modern techniques consistent with their traditional practices, which are very close to nature, and awareness of being really part of nature. In Mexico, for example, they join forces to set up training workshops for key advisers in which water shortages and management are regularly studied. In Africa, they have produced an inventory of species of medicinal plants with a view to preserving traditional medicine closely associated with the forest and the environment of their ancestors. In Europe, in one region where the concentration of large pig farms created a pollution hazard to drinking water, the villages concerned were able to rally various environmentalist, sports and cultural associations to the common cause of protecting not only the sources but the whole environment and the religious heritage.

9. These specific examples of struggle for sustainable development that is respectful of nature and cultures lead us to conclusions which provide a deeper motivation for this commitment: when man's right to development and the right of the land are so intimately related, it is imperative to transform all areas of suffering, injustice, destruction and death into areas of life, of sharing, of liberty and of the future.

10. Speaking of the future, it is worth recalling an old country proverb: "We do not inherit the land from our ancestors, it is lent to us by our sons".

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/NGO/19
31 January 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 January 1992]

1. The Government of the Islamic Republic of Iran has long made clear its desire that international monitoring of the human rights situation in the Islamic Republic should not continue. The Government's primary objection seems to be that the conclusions of the Special Representative and the voting within the Commission are politically motivated. The Iranian Foreign Minister, Ali Akbar Velayati, told the Special Representative in January 1991 that "the country could not tolerate" such monitoring for long. The Special Representative has made clear that the aim of international monitoring is "to encourage the fulfilment of international obligations relating to human rights". The Lawyers Committee fully supports this approach which sets the context in which Iran's human rights performance should be assessed.

2. Iran has made a number of commitments to the international community, through the Special Representative, to implement reforms leading to compliance with international human rights standards.

The right to legal counsel

3. For example, the Government has stated its commitment to providing everyone facing criminal charges with access to legal counsel in accordance with article 14 (b) and (d) of the International Covenant on Civil and Political Rights (ICCPR). Although the Government had written to the Special Representative in January 1991 giving the impression that legislation was already in force, a new law relating to the right to legal counsel did not come into effect until September 1991.

4. Article 2 of the new law states:

> "If a court denies the right of a party [to a law suit] to appoint a counsel, and without the presence of the counsel issues its verdict, the verdict shall be considered null and void."

On paper, this represents a powerful incentive for courts to comply with the legal requirement to permit defendants to be represented by a lawyer. In practice, defendants continue to be denied access to legal counsel, particularly in trials before Islamic Revolutionary Courts where many trials of a political nature are held.

5. In a meeting with the Lawyers Committee for Human Rights in November 1991 the Judicial Deputy to the Head of the Judiciary, Dr. Mehrpour, further qualified the practical meaning of this statutory right to legal counsel. He said that legal representation was voluntary, and that courts would not appoint attorneys in all cases, only in serious cases. The Judicial Deputy acknowledged that some types of court, including Revolutionary Courts, habitually refused to allow legal counsel to appear before them. The Lawyers Committee is not aware of any case before a Revolutionary Court where defendants have been represented by counsel. The Iranian Government has been asked to provide the Special Representative with transcripts of proceedings before Revolutionary Courts which would demonstrate their compliance, or otherwise, with international standards. These transcripts have not been made available.

The "Letter by the 90" case: observance of due process standards

6. In the well-known case of the "Letter by the 90", the defendants were not permitted access to legal counsel at any stage of their detention or trial. The Special Representative has stated that he views the treatment of these prisoners as "a test case for the application of the rules of due process". It is instructive to examine the procedures followed in this case involving well-known and respected people in Iranian society, several of whom had served in the transitional government of Mehdi Bazargan in 1979, the first Government of the Islamic Republic.

7. Nine people were eventually tried in secret in July 1991. It was several months before details of the sentences emerged. One of the prisoners received

a six-month prison sentence. Two received two-year sentences and the remaining six received three-year sentences. In addition, each of the prisoners was sentenced to receive between 10 and 30 lashes. According to our information, the sentences of flogging have not been carried out. The nine defendants were held in pre-trial detention for over a year from the time of their arrest in June 1990 with no opportunity to challenge their detention before a judicial authority, contrary to article 9 (4) of the Covenant.

8. The prisoners did not have access to legal counsel at any stage of their pre-trial detention, contrary to article 14 (3) (b) of the Covenant. None of them were represented by lawyers at their trials which were held in camera, contrary to articles 14 (1) and 14 (3) (d) of the Covenant.

9. The charges against the nine remain vague, and it would appear that the reason for their prosecution was their non-violent expression of public criticism of the policies of the Iranian Government. Even after being sentenced, the prisoners reportedly remained under pressure to sign public statements of repentance for their views and activities. Seventy-six-year-old lawyer Ali Ardalan was reportedly transferred after the trial to a Ministry of Intelligence detention centre in central Tehran where he was held in solitary confinement. In November he was admitted to hospital suffering from kidney failure and heart problems. He is currently believed to have been permitted to return home on grounds of poor health. Another prisoner, Nezamedin Movahed, was also hospitalized. The other seven prisoners are serving their sentences.

10. The conduct of this case, which attracted international attention, does not inspire confidence that basic safeguards against abusive detention, mistreatment and torture during pre-trial detention and for fair trial procedures are in place. Indeed, this case has shown a number of the Iranian Government's statements about its compliance with international standards not to be borne out in practice. The Government had, for example, assured the Special Representative that "revolutionary courts meet openly where the public and the representatives of the media are allowed to participate". The Government also claimed that "the criterion is the innocence of the defendant until otherwise proved". Prior to the trial the office of the Islamic Revolutionary Prosecutor issued a statement saying that the groups with which the defendants were associated, "functioned as a fifth column, serving the objectives of the enemies of the Islamic revolution and the Iranian nation". Such statements detracted from the right to be presumed innocent.

Detention procedures

11. Competing authorities with the power to detain have contributed to arbitrary treatment and an absence of accountability in the detention process. Detentions may be carried out and detainees may be held in custody by a variety of law enforcement agencies under the jurisdiction of different ministries. The police, gendarmerie and Islamic Revolutionary Committees recently merged into one police force, under the authority of the Ministry of the Interior. The Islamic Revolutionary Guard Corps (Pasdaran) has its own ministry. The Ministry of Intelligence also has some involvement in the incarceration and interrogation of prisoners. This organizational complexity detracts from the provisions of safeguards for detainees in accordance with

international standards. There appears to be no effective limit to pre-trial detention in Iran.

Safeguards Against Torture

12. Another important undertaking given to the Special Representative in January 1991 was that the International Committee of the Red Cross (ICRC) would be permitted to visit prisoners in all types of Iranian prisons. This would be a positive measure contributing to minimizing the risk that prisoners may be tortured or ill-treated. Such access still has not been granted to the ICRC. Other structural safeguards against torture are not in place. Prisoners are routinely held for lengthy periods in incommunicado detention. The Lawyers Committee knows of no cases where members of the security forces involved in torture of prisoners have been prosecuted, or even investigated, despite evidence of widespread torture having taken place throughout the 1980s.

The death penalty

13. There has been no reduction in the mass execution of people convicted of criminal offences. Over 700 executions in criminal cases were reported in the Iranian media in 1991, a figure similar to the 750 reported in 1990. Minimum guarantees for fair trial are absent from these often hasty proceedings. The excessive use of the death penalty is itself contrary to international standards which allow that the death penalty should be imposed only exceptionally.

14. In our view a framework for the effective safeguarding of fundamental human rights in Iran is lacking. Statements of intent from the Government are no substitute for verifiable reform of policies. Only through the establishment of such a framework will the purpose of international monitoring, "to bring about fulfilment of international human rights obligations", be completed. The Special Representative has made valuable progress in engaging the Iranian Government in a dialogue on compliance with its obligations under international law. He should be permitted to build on this foundation through the continuation of monitoring, not motivated by the desire to see stigma attached to the Government of the Islamic Republic of Iran, but rather with the constructive intention of better ensuring respect for the fundamental human rights of the Iranian people. This vital task is not yet completed. Monitoring must be allowed to continue until a framework for effective human rights protection is in place. Only then can the Special Representative's mandate be said to have been fulfilled.